

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Testamentary Trust of Clark W. Hinsdale, Jr.
Bingham Brook Road
and
Peter Trono
225 Mandi's Way**

**Subdivision Amendment
Application # PC-12-24**

Background

The parcel owned by the Testamentary Trust of Clark W. Hinsdale, Jr. is Lot 1 of a subdivision by Nancy Hinsdale, for which a plat is recorded in map slide 72. The parcel owned by Peter Trono is Lot 1 of a subdivision amendment by Peter Trono, for which a plat is recorded in map slide 176.

Sketch Plan Review for the current project was held on June 7, 2012.

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

The Planning Commission held a public hearing for this application on November 1, 2012. Clark Hinsdale, III and Peter Trono were present representing the applicants. No other parties were present or submitted written comments regarding the application.

Regulations in Effect

Town Plan amended March, 2008

Land Use Regulations adopted March, 2010.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The application proposes to transfer 3.29 acres from the Hinsdale Testamentary Trust parcel to the Trono parcel.
2. Neither parcel will become non-conforming as result of the transfer.
3. Neither parcel will be significantly more irregular in shape as a result of the transfer.
4. The proposed transfer will not substantively affect the findings or conditions of previous approvals.
5. The transfer will not adversely impact any areas of high public value.
6. The proposed plat lacks clarity in several respects.

Decision

Based on these Findings, the Planning Commission approves the Subdivision Amendment with the following conditions:

1. The plat will be amended as follows:
 - A. The Trono parcel will be identified (i.e. with a label such as “Peter Trono”).
 - B. The current and proposed acreages of both parcels will be indicated.
 - C. The proposed northwest and southwest corners of the Trono parcel will be indicated with a symbol for “iron pipe to be set” and this symbol will be added to the legend.
 - D. In the Adjustment Table, Lot 2, Lot 3 and the 29.5 acre parcel will be deleted.
 - E. The plat will be stamped and signed by a licensed surveyor.
2. One digital copy (pdf), two paper copies (one 11”x 17” and one full size) and a mylar (18” x 24”) of a survey plat as amended by Condition #1 above will be submitted to the Planning Commission for review and signature (of the mylars) within 160 days. The applicant will record the signed mylar in the Charlotte Land Records within 180 days.
3. Prior to the submission of the mylar in accordance with Condition #2 above, the applicant shall submit a letter from the surveyor indicating that s/he has set the survey pins in the field as indicated on the corrected plat.
4. The property associated with this application (3.29 acres) will be conveyed from the Testamentary Trust of Clark W. Hinsdale, Jr. to Peter Trono within 365 days.
5. Once the 3.29 acres is conveyed to Trono, it will merge with the remainder of his parcel and cannot be conveyed separately unless allowed by an action of the Planning Commission.

Additional Conditions: All plats, plans, drawings, documents, evidence and testimony submitted with the application or at the hearing and used as the basis for the Decision to grant permit, as well as all conditions listed above shall be binding on the applicant, and his/her/its successors, heirs and assigns. Projects shall be completed in accordance with such approved plans and conditions. Any deviation from the approved plans shall constitute a violation of permit and be subject to enforcement action by the Town.

This decision may be appealed to the Vermont Environmental Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the date of the 4th signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Members Present at the Public Hearings on November 1, 2012: Jeff McDonald, Linda Radimer, Ellie Russell, Peter Joslin, Gerald Bouchard and Paul Landler

Vote of Members after Deliberations:

The following is the vote for or against the applications, with conditions as stated in this Decision:

1. Signed:_____ For / Against Date Signed:_____

2. Signed:_____ For / Against Date Signed:_____

- 3. Signed: _____ For / Against Date Signed: _____
- 4. Signed: _____ For / Against Date Signed: _____
- 5. Signed: _____ For / Against Date Signed: _____
- 6. Signed: _____ For / Against Date Signed: _____
- 7. Signed: _____ For / Against Date Signed: _____

APPENDIX A

The following items were submitted in association with the application:

- 1. An application form and appropriate fee.
- 2. A plat by Summit Engineering, Inc. entitled “Boundary Line Adjustment, Portion of Estate of Clark Hinsdale Jr To Peter Trono, Off Bingham Brook Road, Charlotte, Vermont” dated 10/26/12, no revisions.